

Karen Gaio Hansberger, Mayor Floyd Petersen, Mayor pro tempore Robert Christman, Councilmember Stan Brauer, Councilmember Robert Ziprick, Councilmember

COUNCIL AGENDA:

January 25, 2005

TO:

City Council

VIA:

Dennis R. Halloway, City Manager

FROM:

Deborah R. Woldruff, AICP, Community Development Director

SUBJECT:

Conditional Use Permit (CUP) NO. 02-04, Parcel Map (PM) NO.

02-02 (PM NO. 15944)

RECOMMENDATION

The recommendation is that the City Council take the following action:

1. Approve the request for a one-year extension of time for Conditional Use Permit No. 02-04 and Parcel Map No. 02-02.

BACKGROUND

The applicant, Lake Development Group of Newport Beach has submitted a request for a one-year extension of time to construct a 15,081 square foot drugstore retail building and a 5,400 square foot retail building on a 2.63 acre site. The subject property is located on the northwest corner of Redlands Boulevard and Mountain View Avenue. The previous applicant, Sav-On Drugstores is no longer associated with the project. The request was reviewed and approved by the Planning Commission at their meeting on January 12, 2005 (Attachment A). Resident Jeanette Golly, asked questions about the project during the Public Hearing. Conditions of Approval from the November 12, 2002 City Council meeting are still in effect for the project. They have been revised to reflect a drugstore building not a specific tenant (Attachment B).

ANALYSIS

The applicant is working to secure CVS Drugstores as the anchor tenant for the project site. They are a national retailer with other locations in Orange and Los Angeles counties. The request by the applicant is reasonable in order to make the development of a drugstore at a prime intersection a reality (Attachment C).

ENVIRONMENTAL

The City Council adopted a Negative Declaration as part of its approval of the appeal on November 12, 2002.

FINANCIAL IMPACT

The project will result in increased property tax and sales tax revenue to the City in addition to Development Impact fees, Plan Check fees, Building Permit fees, Grading Permit fees, and Fire Plan Check/Inspection fees.

Respectfully Submitted,

Raul Colunga

Assistant Planner

ATTACHMENTS

- A. Applicant letter of request and January 12, 2005 Planning Commission Report
- B. Conditions of Approval
- C. Project Plans

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October 25, 2004

Deborah Woldruff Community Development Director City of Loma Linda 25541 Barton Road Loma Linda, CA 92354-3160

RE: General Plan Amandment GPA No. 02-04; Zone Change (ZC) No. 02-04; Development Code Amendment (DCA) No. 02-01; Conditional Use Permit CUP No. 02-04; and Parcel Map (PM) No. 15944.

Dear Ms. Woldruff:

We are requesting that the time permitted for entitlements for the above referenced project be extended for a period of one year. We require the extension of time for two reasons.

- (1) Our primary tenant Sav-On Drugstores, a subsidiary of Albertson's Inc., decided not to move forward on the project when the company began to experience labor dispute issues with the Albertson's grocery store chain which eventually led to a prolonged industry wide strike.
- (2) The entitlements for two new large housing projects, Orchard Park and University Village, took longer than anticipated. The future development of these new housing projects is important to support the projected sales volumes for the proposed drugstore.

We are currently working with CVS Drugstores - one of the largest drugstore chains in the United States - to occupy the entitled 15,080 square foot drug store.

We have enclosed the following in order to process our request for an extension of our entitlement period.

- (1) A check in the amount of \$2,215.00 to process our request for an extension of time.
- (2) Fifteen (15) sets of the entitled site plans.
- (3) A certified property owners list within 300 feet of the site.

ATTACHMENT A

Our Uniform Development Application as submitted initially for the project remains unchanged other than the address for the applicant.

Sincerely,

Larry Lake President

Staff Report City of Loma Linda

From the Department of Community Development

PLANNING COMMISSION MEETING OF JANUARY 12, 2005

TO:

PLANNING COMMISSION

FROM:

DEBORAH WOLDRUFF, AICP, DIRECTOR,

COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT:

CONDITIONAL USE PERMIT (CUP) NO. 02-04/PARCEL MAP (PM) NO.

02-02 (PM NO. 15944) - A request for a one year extension of time to construct a 15,081 square foot drugstore retail building and a 5,400 square foot retail building on a 2.63 acre site. The subject property is located on the northwest corner of Redlands Boulevard and Mountain

View.

SUMMARY

The applicant, Lake Development Group Incorporated, has submitted a letter of request seeking a 1-year extension of time for the above-referenced project (Attachment A). The CUP was required for the drive-through pharmacy window. The General Plan Amendment, Zone Change, and Development Code Amendment that were part of the original submittal in 2002 were approved by the City Council and adopted by resolution and ordinance respectively. A discretionary extension of a maximum of two-years may be granted pursuant to Section 16.04.160 of the Loma Linda Municipal Code (LLMC). In addition, Condition No. 2 from the Conditions of Approval allows for three time extensions not to exceed 12 months each. As such, the General Plan Amendment, Zone Change, and Development Code Amendment are not part of this request and cannot be revisted.

RECOMMENDATION

Staff recommends that the Planning Commission forward the request to the City Council with a recommendation of approval for a 1-year extension of time for Conditional Use Permit No. 02-04 and Tentative Parcel Map (PM) No. 15944 based on the findings and subject to the Conditions of Approval (Attachments B).

PERTINENT DATA

Applicant:

Larry Lake, Lake Development Group

General Plan:

Neighborhood Specialized Community

Zoning:

East Valley General Commercial

Planning Commission Staff Report Meeting of January 12, 2005

Site:

The 2.63 acre subject property is located at the

northwest corner of Redlands Boulevard and

Mountain View.

Topography:

Relatively flat

Vegetation:

A few mature trees, landscaping at the City park site and single-family residential lot, and patchy scrub and

native grasses on the vacant portions of the site.

Special Features:

Sun Park site, City water facilities

BACKGROUND AND EXISTING SETTING

Background

The project was denied by the Planning Commission at their meeting on October 2, 2002, and approved on appeal by the City Council on November 12, 2002. Approved minutes from the October 2, 2002 Planning Commission meeting and November 12, 2002 City Council meeting are included as Attachment C.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) STATUS

The City Council adopted a Negative Declaration as part of its approval of the appeal on November 12, 2002.

ANALYSIS

Project Description

The 2.63-acre site occupies a prominent location at the northwest corner of Redlands Boulevard at Mountain View. The applicant states in his letter of request that the original applicant, Sav-On Drugstores was counting on the entitlements for Orchard Park and University Village to support projected sales volume for the proposed drugstore. Additionally, the applicant states that due to the prolonged labor dispute earlier in 2004, the primary tenant Sav-On Drugstores, decided not to move forward on the project. The applicant states they are working with CVS Drugstores to occupy the entitled 15,081 square foot drug store. The ancillary 5,400 square foot structure adjacent to Mountain View is part of the request for the one-year extension of time. A copy of the project plans are included as Attachment D.

Public Comments

No written or verbal comments have been received or been forthcoming to the City as of January 6, 2005. The public hearing notices for the item were sent out on December 30, 2004.

Analysis And Findings

The findings for the Conditional Use Permit and Parcel Map are still valid from the original October 2, 2002 Planning Commission staff report and are included as Attachment E. The Initial Study is included as part of Attachment E.

CONCLUSION

The granting of this one-year extension would not be detrimental to the public welfare or injurious to the properties in the vicinity. A one-year extension to Parcel Map No. 15944 and Conditional Use Permit No. 02-04 conforms to the City of Loma Linda Zoning Code and Subdivision Regulations and is consistent with the Neighborhood Specialized Community General Plan Land Use Designation established for commercial development.

The granting of a 1-year extension of time for both applications to allow the previously approved development will be beneficial to current and future residents in the vicinity. The additional time will allow the developer to make the project a reality and afford the City of Loma Linda a new source of sales tax generation and a retail destination for residents to spend their incomes inside the community.

Respectfully Submitted,

Raul Colunga Assistant Planner

ATTACHMENTS

- A. Applicant letter of request and Site Location Map
- B. Conditions of Approval
- C. Approved October 2, 2002 Planning Commission and November 12, 2002 City Council minutes
- D. Project Plans
- E. October 2, 2002 Planning Commission staff report, findings, and Initial Study

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CONDITIONS OF APPROVAL FOR EXTENSION OF TIME

CONDITIONAL USE PERMIT (CUP) NO. 02-04 & PARCEL MAP (PM) NO. 15944

All applicable provisions and requirements of City Codes and Ordinances shall be met for this Project. All conditions unless otherwise specifies are due prior to the issuance of building permits. The following specific requirements shall also apply:

COMMUNITY DEVELOPMENT DEPARTMENT

1. Within two years of development approval, commencement of construction shall have occurred or the permit/approval shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of one year, then the permit/approval shall become null and void.

PROJECT:

EXPIRATION DATE

CONDITIONAL USE PERMIT (CUP) NO. 02-04 PARCEL MAP (PM) NO. 15944 JANUARY 12, 2006 JANUARY 12, 2006

- 2. The review authority may, upon application being filed 30 days prior to the expiration date and for good cause, grant three time extensions not to exceed 12 months each, pursuant to the California Subdivision Map Act. The review authority shall ensure that the project complies with the Act and all current Development Code provisions.
- 3. In the event that this approval is legally challenged, the City will promptly notify the applicant of any claim or action and will cooperate fully in the defense of the matter. Once notified, the applicant agrees to defend, indemnify, and hold harmless the City, Redevelopment Agency (RDA), their affiliates officers, agents and employees from any claim, action or proceeding against the City of Loma Linda. The applicant further agrees to reimburse the City and RDA of any costs and attorneys' fees which the City or RDA may be required by a court to pay as a result of such action, but such participation shall not relieve applicant of his or her obligation under this condition.
- 4. Construction shall be in substantial conformance with the Master Plan and the plan(s) approved by the Director, Planning Commission or City Council. Minor modification to the plan(s) shall be subject to approval by the Director through a minor administrative variation process. Any modification that exceeds 10% of the following allowable measurable design/site considerations shall require the refilling of the original application and a subsequent hearing by the appropriate hearing review authority if applicable:
 - a. On-site circulation and parking, loading and landscaping;
 - b. Placement and/or height of walls, fences and structures;
 - c. Reconfiguration of architectural features, including colors, and/or modification of finished materials that do not alter or compromise the previously approved theme; and,
 - d. A reduction in density or intensity of a development project.
- 5. No vacant, relocated, altered, repaired or hereafter erected structure shall be occupied or

ATTACHMENT B

no change of use of land or structure(s) shall be inaugurated, or no new business commenced as authorized by this permit until a Certificate of Occupancy has been issued by the Building and Safety Division. A Temporary Certificate of Occupancy may be issued by the Building and Safety Division subject to the conditions imposed on the use, provided that a deposit is filed with the Community Development Department prior to the issuance of the Certificate, if necessary. The deposit or security shall guarantee the faithful performance and completion of all terms, conditions and performance standards imposed on the intended use by this permit.

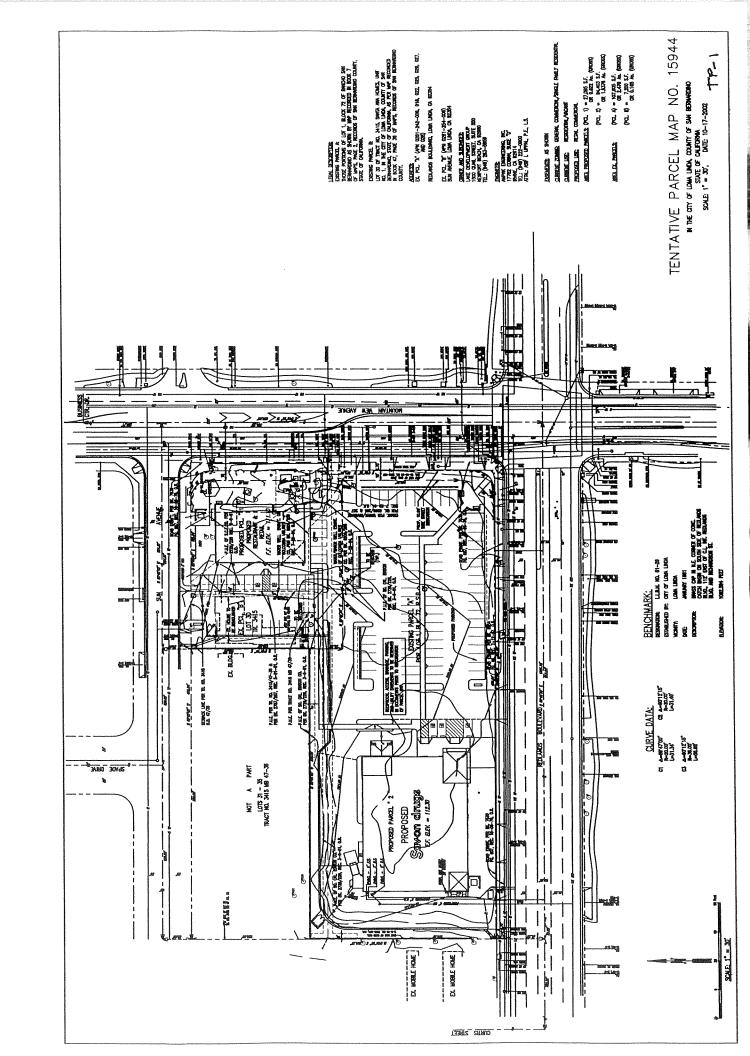
- 6. This permit or approval is subject to all the applicable provisions of the Loma Linda Municipal Code, Title 17 (and other applicable Code sections) in effect at the time of approval, and includes development standards and requirements relating to: dust and dirt control during construction and grading activities; emission control of fumes, vapors, gases and other forms of air pollution; glare control; exterior lighting design and control; noise control; odor control; screening; signs, off-street parking and off-street loading; and, vibration control. Screening and sign regulations compliance are important considerations to the developer because they will delay the issuance of a Certificate of Occupancy until compliance is met. Any exterior structural equipment, or utility transformers, boxes, ducts or meter cabinets shall be architecturally screened by wall or structural element, blending with the building design and include landscaping when on the ground.
- 7. Signs are not approved as a part of this approval. The applicant shall submit application for a Master Sign Plan for the site based upon the conceptual sign design shown in the approved project plans prior to issuance of the first Certificate of Occupancy. Prior to establishing any new signs, or replacing existing signs, the applicant shall submit an application, and receive approval, for a sign permit(s) from the Planning Division (pursuant to LLMC, Chapter 17.18) and building permit(s) for construction of the signs from the Building and Safety Division, as applicable.
- 8. The applicant shall comply with all of the Public Works Department requirements for recycling prior to receiving a Certificate of Occupancy.
- 9. The applicant shall implement SCAQMD Rule 403 and standard construction practices during all operations capable of generation fugitive dust will include but not be limited to the use of best available control measures and reasonably available control measures such as:
 - a. Water active grading areas and staging areas at least twice daily as needed;
 - b. Ensure spray bars on all processing equipment are in good operating condition;
 - c. Apply water or soil stabilizers to form crust on inactive construction areas and unpaved work areas;
 - d. Suspend grading activities when wind gusts exceed 25 mph;
 - e. Sweep public paved roads if visible soil material is carried off-site;
 - f. Enforce on-site speed limits on unpaved surface to 15 mph; and
 - g. Discontinue construction activities during Stage 1 smog episodes.

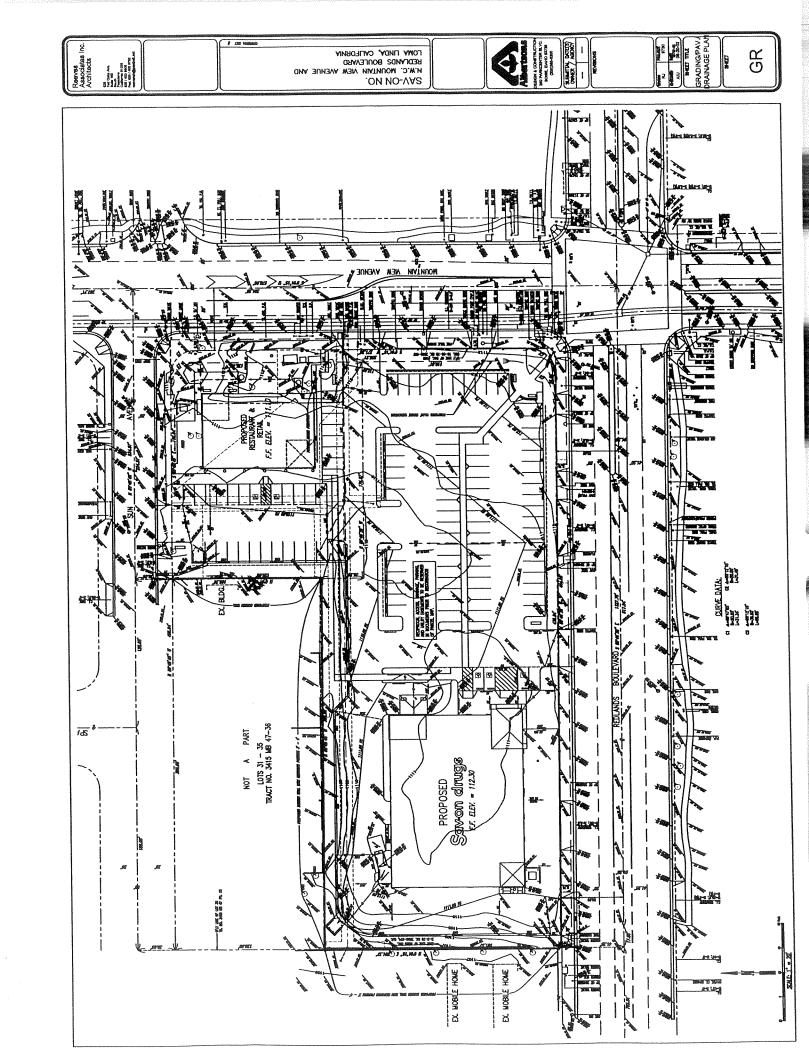
- 10. The applicant shall implement SCAQMD Rule 1403 and standard construction practices for the removal and disposal of asbestos building materials as part of the demolition of the residence located at 25669 Sun Avenue.
- 11. Wherever possible, the developer shall incorporate the existing, mature trees into the landscape plan for the site. The developer shall comply with LLMC, Chapter 17.74 for tree removal Permit concurrent with project approval, and re-vegetate the site per the approved landscape plan, as applicable.
- 12. The applicant shall provide two refuse enclosures constructed to the City's specification, subject to approval by the Public Works Department, and placed as shown on the approved site plan.
- 13. All green waste generated from the site shall be taken to a green waste processing or compost facility.
- 14. The applicant shall provide a minimum of 113 standard parking spaces, which shall include one handicap accessible van space and 4 standard handicap accessible spaces. The accessible parking required for the project shall be placed and constructed as per the State of California Accessibility Standards, Title 24 California Administrative Code.
- 15. The property and landscaping shall be maintained in a clean and orderly manner by the applicant, property owner, and/or business operator and all dead and dying plants shall be replaced with similar or equivalent type and size of vegetation.
- 16. The final landscape plan shall be prepared by a state licensed Landscape Architect, subject to approval by the Community Development Department, and also by the Public Works Department for landscaping in the public right-of-way. The specimen tree sizes shall be increased on the final landscape plan.
- 17. All roof-mounted equipment shall be screened from view of the Public Street and adjacent residential properties.
- 18. The applicant shall submit a Lighting Plan to the Public Works Department for approval.
- 19. All construction shall meet the requirements of the editions of the 1998 California Building Code (CBC)/1997 Uniform Building Code (UBC), and the 1997 Uniform Fire Code (UFC)/1998 California Fire Code (CFC) as adopted and amended by the City of Loma Linda and legally in effect at the time of issuance of the Building Permit(s).
- 20. All Development Impact fees shall be paid to the City of Loma Linda prior to the issuance of any Building and/or Construction Permits.
- 21. Prior to issuance of any Building and/or Construction Permits, the applicant shall submit proof of payment from the City of San Bernardino for sewer capacity fees and Redlands Unified School District to the Community Development Department.

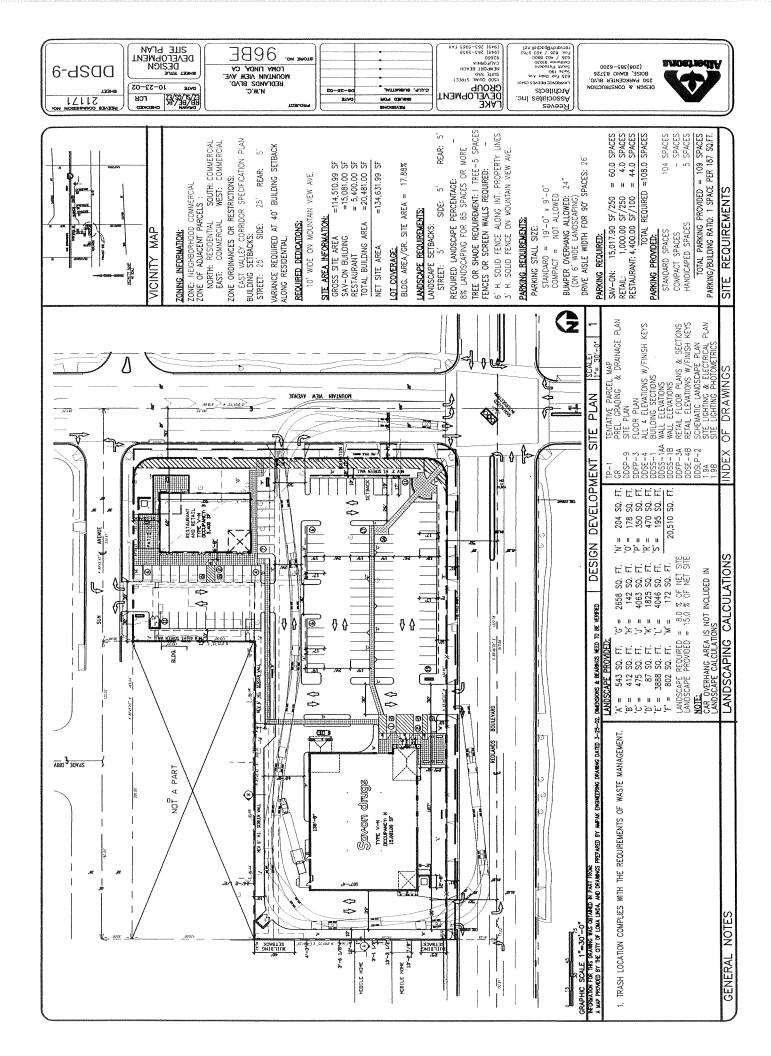
- 22. This permit or approval is subject to the attached conditions or requirements of the following City Departments or Divisions:
 - a. Public Work Department
 - b. Public Safety Department
- 23. The off-site sales of alcohol in the drugstore shall be limited to beer and wine, only.
- 24. The hours of operation for the drugstore shall be limited to 11:00 p.m.
- 25. The hours of delivery of products, goods, furniture, and equipment shall be limited to between 7:00 a.m. and 9:00 p.m., seven days a week.

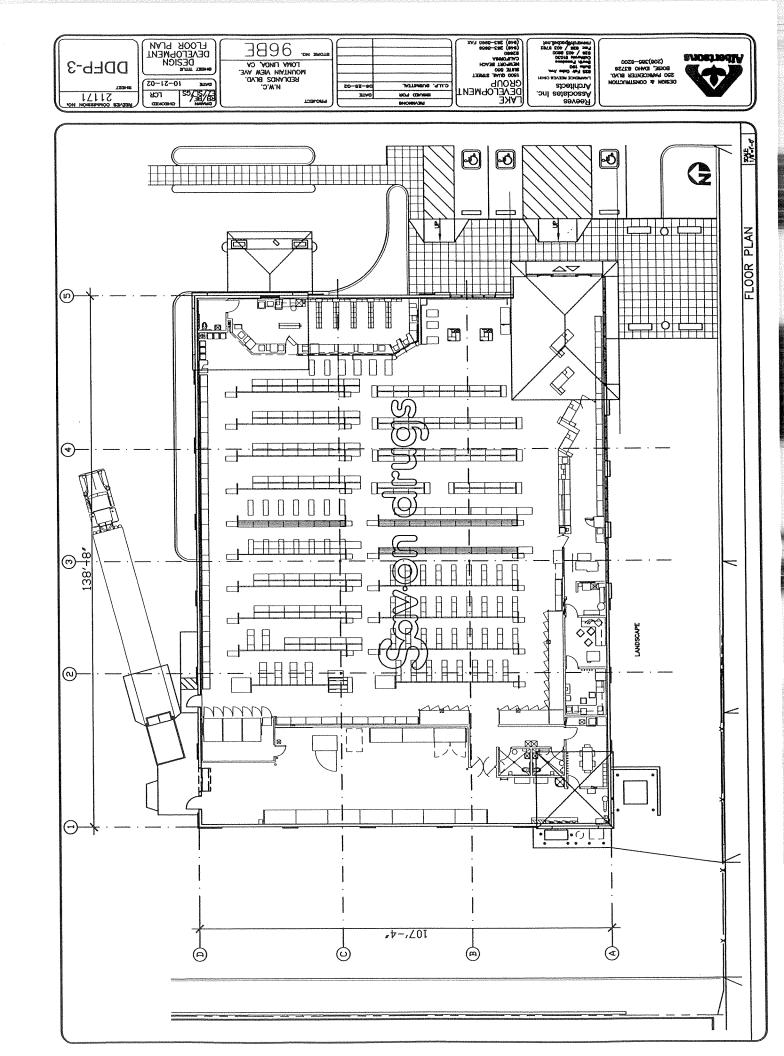
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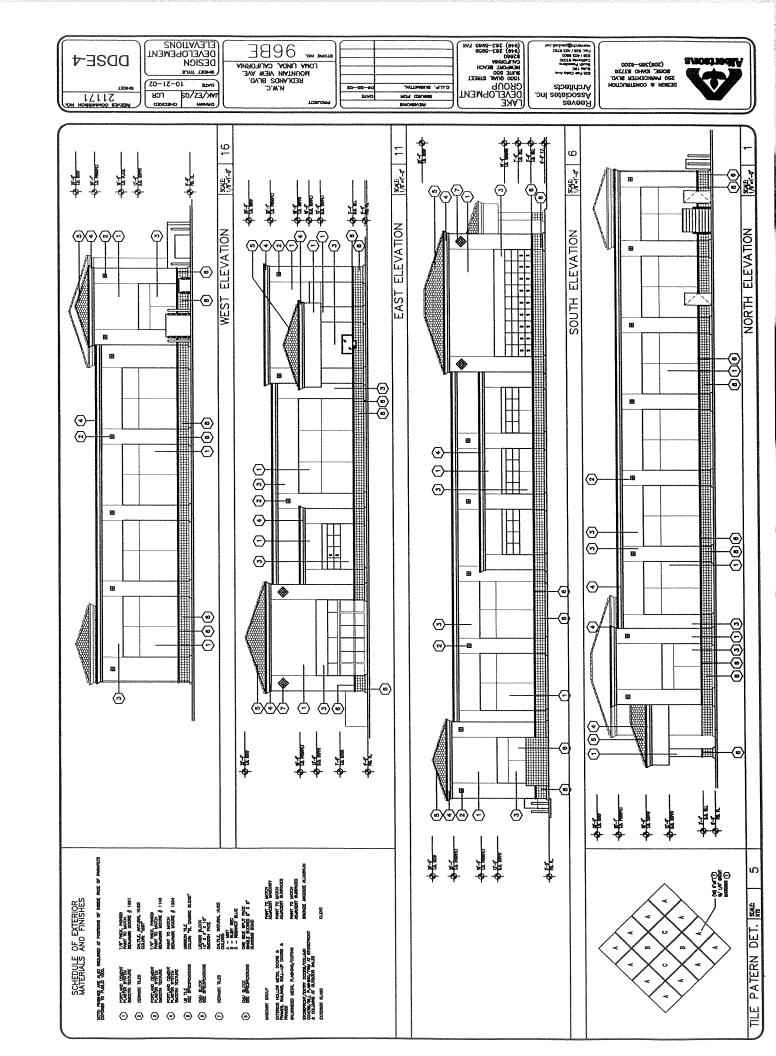
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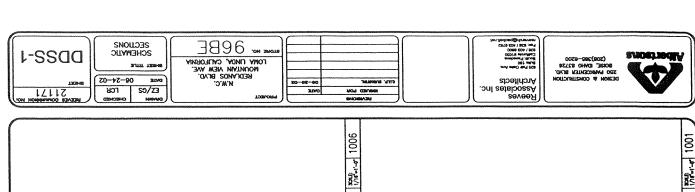


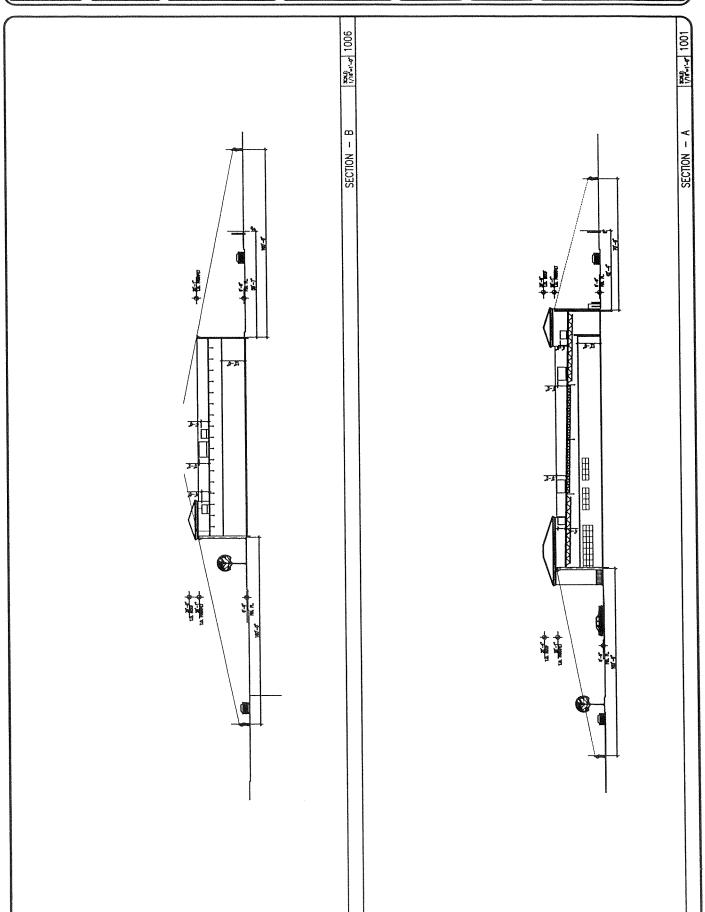


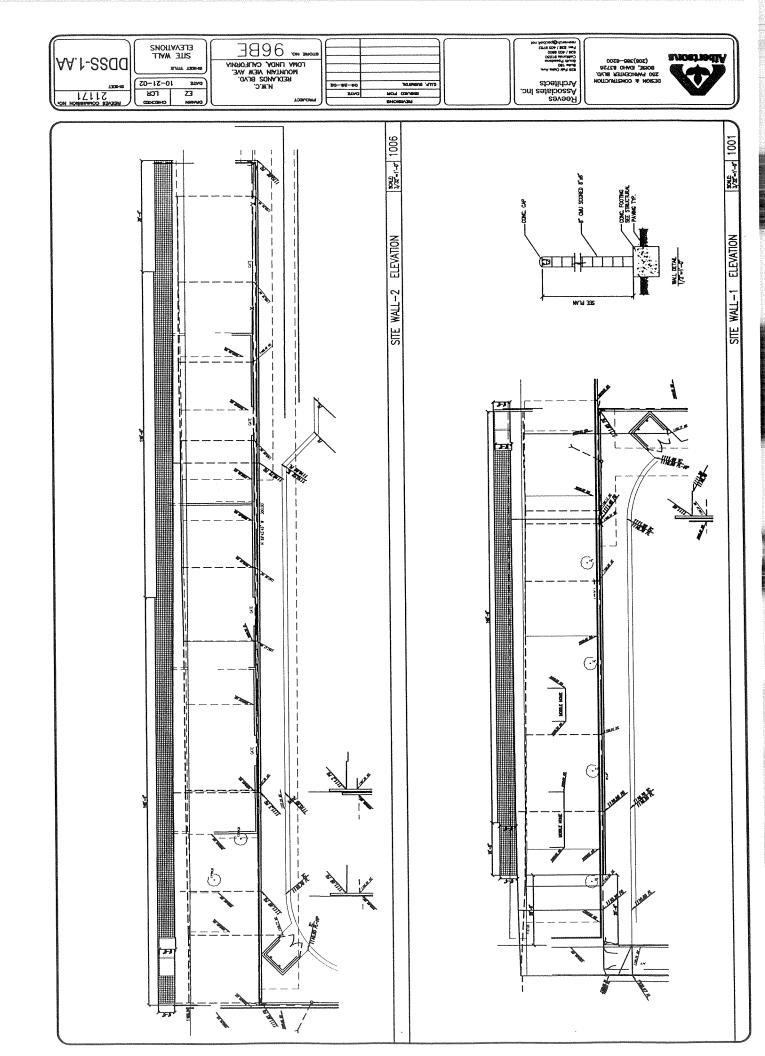


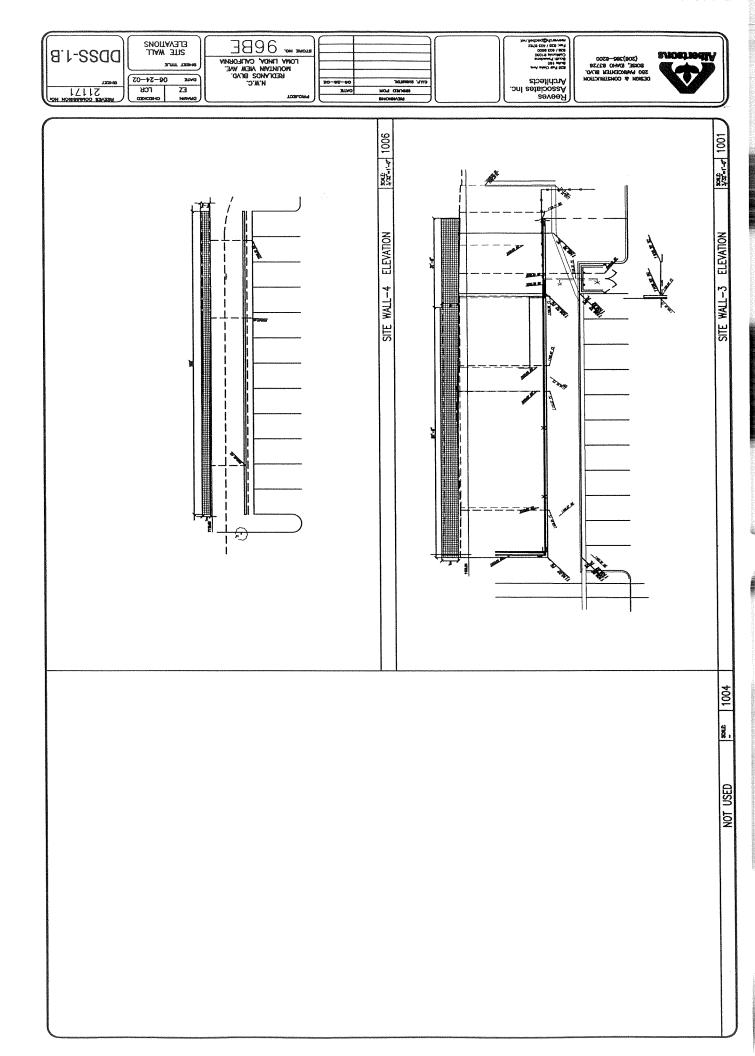


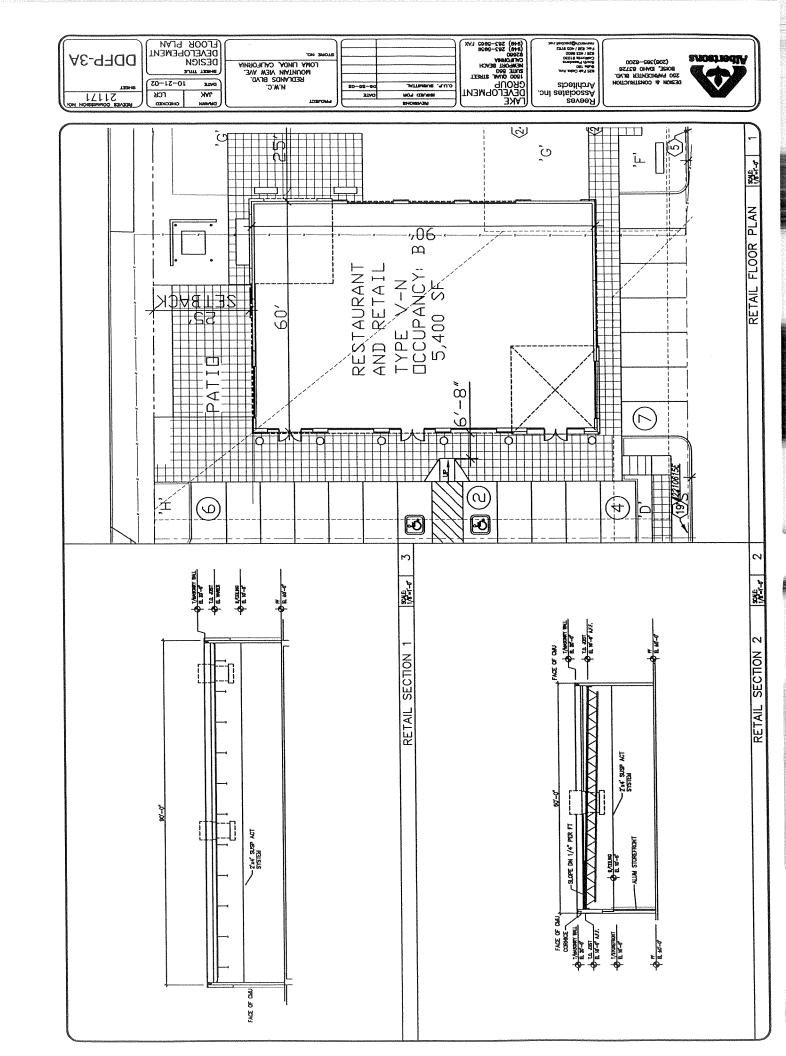


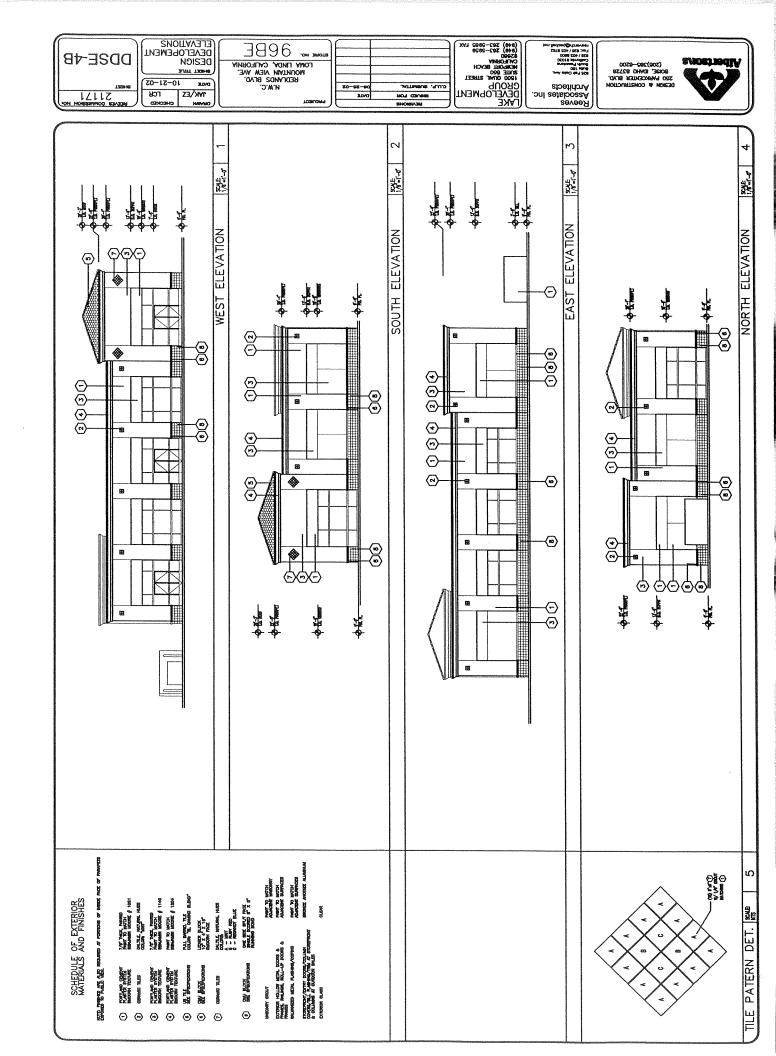












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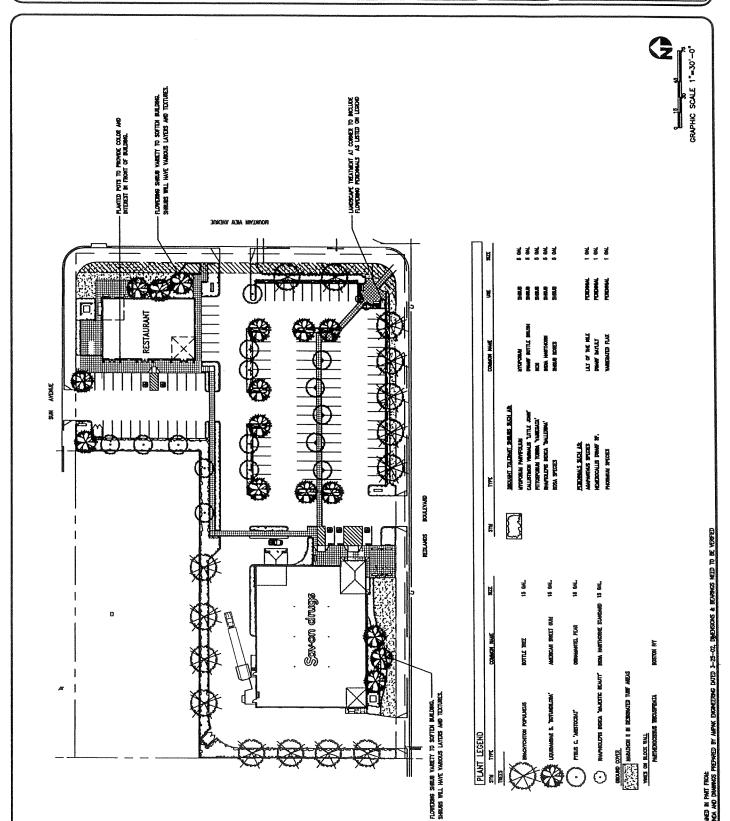
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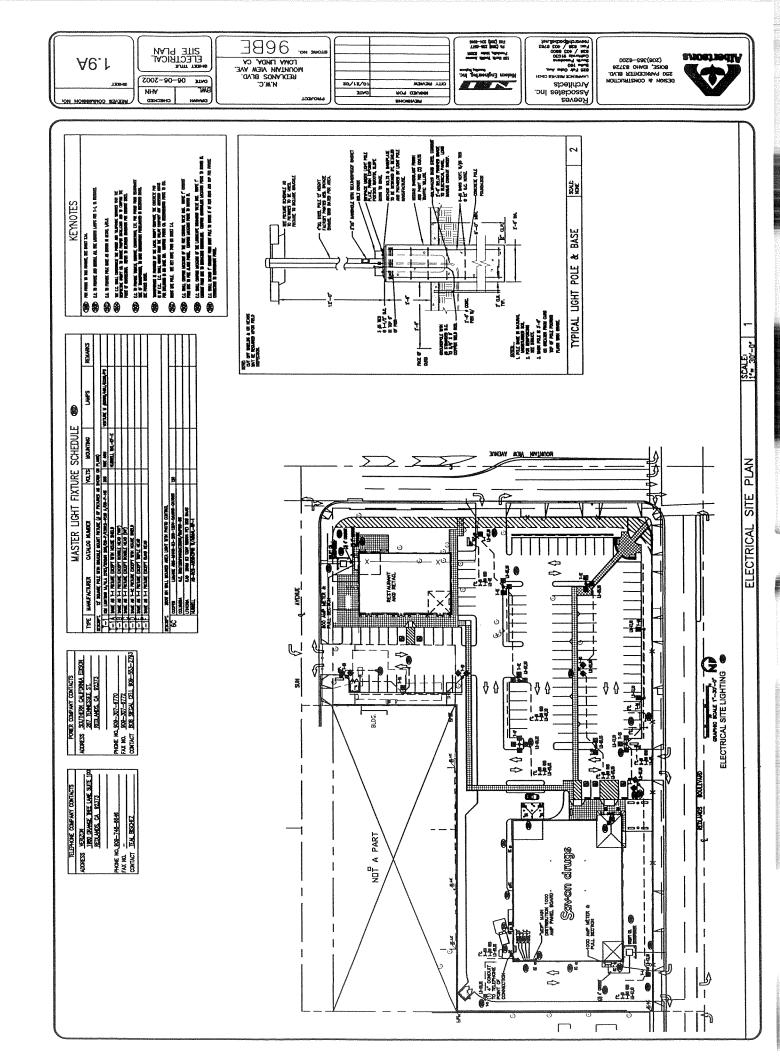
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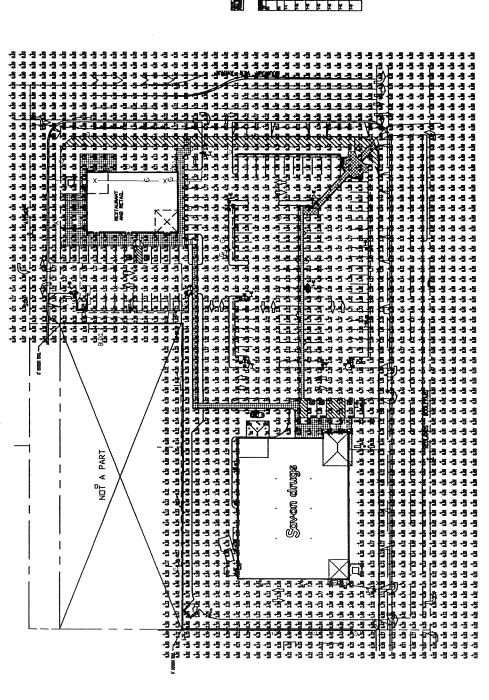
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